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09/578,667	05/25/2000	Mark Cirinna	COMP:0086/FLE P00-3227	7191

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EXAMINER

MCALLISTER, STEVEN B

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 09/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/578,667

Applicant(s)

Cirinna et al

Examiner

Steven McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on _____.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-43 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-43 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on May 25, 2000 is/are a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

6) Other: _____

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, providing computer hardware, software, or services to assist a business in extending an Intranet system (cl. 8), as well as all claimed method steps in all claims must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

As noted above, the claimed subject matter of claim 8 is not shown. Additionally, the methods of several alternative species have been combined into Fig. 1. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 9, 10, 14, and 16-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

35 USC 101 requires that an invention be useful, concrete, and tangible in order to be statutory subject matter.

Claim 9 recites only a website. A website, not associated with it hardware, is merely a collection of abstract data and is not tangible. The rejected dependent claims recite only uses or intangible aspects of the website.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2-8, 13, 20-22, 24, 26, 27, 37, 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 2, 3 are indefinite because they recite “information, goods, or services” and “employees”, but it is not clear whether these are the same ones referred to in claim 1, or different ones.

Claim 3 is indefinite because it is not clear whether “each website” is for a different business or a plurality of websites are being built for a single business.

Claims 7, 8, and 13 recite “a business”, but a business has already been recited and it is not clear to which business the claims refer.

Claims 3-8 are indefinite because the preamble is drawn to the subcombination of “a method of providing information, goods or services to employees”, but the rejected claims positively recite the elements of the combination of providing information, etc. to employees (as above) and providing web services to businesses. It is not clear whether the applicant intended to claim the subcombination or the combination. In examining the claims, it was assumed that the subcombination was claimed.

Claim 20 is indefinite because “the computer program” lacks antecedent basis and it is unclear has “the computer program” can be a plurality of computer programs.

Claims 21 and 37 are indefinite because it is not clear what “such that when a link in a first website is activated it does not appear to the employee that the employee is linked to a second website” means.

Claim 22 is indefinite because it is unclear what “configured for employees in specific occupational groups” means.

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Claim 24, 26, and 27 are indefinite because the preamble of the claims recite the subcombination of “a template”, but the bodies of the claims recite elements of combinations. In examining the claims, it was unclear whether the applicant intended to claim the combination or the subcombination. In examining the claims, it was assumed that the subcombination was claimed.

Claim 38 is indefinite because the preamble recites the subcombination of a system for providing information ... to employees, but the body of the claim recites elements of a combination comprising, in addition, a method for receiving compensation between businesses. In examining the claims, it was unclear whether the applicant intended to claim the combination or the subcombination. In examining the claims, it was assumed that the subcombination was claimed.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 1, 3, 7-10, 19, 23, 25, 31, 33, 35, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by the Earthlink website.

Earthlink inherently shows identifying information, goods, or services for assisting people, among them employees, and identifying providers, since the providers are shown on the website. It also shows developing a website that enables employees to obtain the identified information, goods, or services.

As to claims 3 and 5, Earthlink shows developing a configurable website system that enables a plurality of websites to be developed via templates wherein the website is capable of being used by a business to provide information, goods or services for employees.

As to claims 7 and 8, Earthlink shows provider services to a business in operating the website or extending an intranet to the website (the intranet can simply hyperlink to the website).

As to claims 9 and 10, Earthlink shows a website available to its own employees.

As to claims 23 and 25, it is noted that the templates of Earthlink are configurable to provide selected information, products or services via a website accessible via the internet.

As to claim 33, a portion of the website comprising the Jobs @ earthlink section is configured topically by job function.

As to claims 35-36, it is linked to a website operated by a second business, Sprint.

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Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 4, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Earthlink website.

Earthlink shows all elements except using the website within a single business. However, claim 2 represents the subject matter of box 27 in Fig. 1 and is an obvious variant of the method shown in boxes 30, 32, 34. It would have been obvious to one of ordinary skill in the art to modify the method Earthlink by using the business website for employees in a single business in order maintain security of information on that website. If it is found that the method step of claim 2 is patentably distinct over the method of boxes 30, 32, 34, a species requirement will be necessary.

As to claim 4, Earthlink shows all elements except that only the business's employees are provided with information, goods, or services.. However, it is notoriously old and well known in the art for a business to provide information only to its own employees. It would have been obvious to one of ordinary skill in the art to modify the method Earthlink by using the business website for employees in a single business in order maintain security of information on that website.

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As to claim 37, Earthlink shows all elements of the claim except closed-links. However, to use such links is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to modify the system of Earthlink by using closed links in order to allow maintenance of the same environment while shopping at a partner site such as Sprint.

As to claim 38, Earthlink shows all elements of the claim except receiving compensation from a business to which it refers business. However, to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to modify the system of Earthlink in order to increase revenue.

11. Claims 9-22, 28-36, and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over King, Jr. et al (5,319,542) in view of Gardner et al (5,758,327).

King, Jr. et al show all elements of the claim except using a website to present the information, products or services for ordering. Gardner et al show a website interface. It would have been obvious to one of ordinary skill in the art to modify the system of King et al by using a web interface in order to take advantage of existing infrastructure and to reduce training costs for learning a custom interface.

As to claim 11, King et al in view of Gardner et al show a plurality of access terminals for the employees.

As to claims 14 and 32, King et al in view of Gardner et al show access to a website via the internet.

As to claim 15, King et al in view of Gardner et al show routing the employee's order.

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As to claim 17, King et al in view of Gardner et al show all elements of the claim except tracking the employee's use of the website. However, it is notoriously old and well known to track employee's computer use. It would be obvious to one of ordinary skill in the art to do so in order to track employee time.

As to claim 18, King et al in view of Gardner et al show all elements of the claim except configuring the website based on the employee's past use. However, it is notoriously old and well known to do so (e.g., provide personalized greetings and to provide information of a type often requested by the user before). It would be obvious to one of ordinary skill in the art to do provide more useful information to the employee.

As to claim 22, King et al in view of Gardner et al show a system configured for use by employees in specific occupational groups.

As to claims 29 and 30, King et al in view of Gardner et al show automated sending for approval and automated approval based on a set instructions stored at the website.

As to claim 33, King et al in view of Gardner et al show all elements of the claim except configuring the system topically, based on job function. However, to do so is old and well known. It would have been obvious to one of ordinary skill in the art to further modify the system of Gardner in order to make data access more efficient.

As to claim 34, as broadly claimed, the website is adaptable for each user.

As to claims 42, King et al in view of Gardner et al show private catalog software on the computer.

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As to claim 43, King et al in view of Gardner et al show computer software accessed from a second site comprising the public catalog. It does not show the public catalog having a web interface. However, it is notoriously old and well known in the art to provide such an interface for electronically purchasing from a catalog. It would have been obvious to one of ordinary skill in the art to modify the apparatus of King et al by using a web interface in order to provide a familiar and efficient interface to the public catalog.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wong (6,115,690) shows a web interface requisition system.

Barnes et al (5,970,475) shows a procurement system.

Shoquist et al (5,361,199) show an automated procurement system.

Morscheck et al (6067080) show an order entry system.

Buzsaki (5,987,422) sows a procurement method.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.



Steven B. McAllister

September 14, 2002